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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,421	11/19/2003	Sung-Kyung Jang	P-0592	5333
34610 7590 01/30/2009 KED & ASSOCIATES, LLP P.O. Box 221200 Chantilly, VA 20153-1200				
EXAMINER PHUONG, DAI				
ART UNIT 2617		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/715,421

Applicant(s)

JANG, SUNG-KYUNG

Examiner

DAI A. PHUONG

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-11, 13-19, 21-24, 26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-11, 13-19 and 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsman's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/20/2008 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 3-11 and 13-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1, 8 and 11 recite **“the re-transmission data includes data that was previously partially sent to a transport channel”**. This is matter not found in the specification as filed; therefore, it lacks support in the original disclosure. Claims 3-7, 9-10, 13-18 rejected for the same reasons. See MPEP 706.03(o).

Applicant did not provide a concise explanation of where support for the newly added limitations can be found referring to the specification as originally filed by page and line number and to the drawing, if any, by reference characters.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 4, 8, 11, 16-19 and 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Marinier et al. (Pub. No. 20080144571).

Regarding claim 1, Marinier et al. disclose a radio data transmission method comprising:

receiving information from a plurality of logical channels, each received information including information about an amount of re-transmission data that exists in a buffer that corresponding to the specific logic channel ([0009]. The TFC selection is based on the amount of buffered data of each logical channel)); and

selecting data to transmit from one of the plurality of logical channels based at least on the received information about the amount of the re-transmission data that exists in a buffer for each specific logic channel, wherein the re-transmission data includes data that was previously partially sent to a transport channel ([0009]).

Regarding claim 4, Marinier et al. disclose all the limitations in claim 1. Further, Marinier et al. disclose the method further comprising sending the information from each of the logical channels to a transport channel ([0009]).

Regarding claim 8, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 11, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 16, Marinier et al. disclose all the limitations in claim 11. Further, Marinier et al. disclose the method further comprising prioritizing a first logical channel having re-transmission data in a corresponding buffer with a higher priority than a second logical channel without re-transmission data in a corresponding buffer, and transmitting data of the first logical channel prior to transmitting data of the second logical channel ([0009]).

Regarding claim 17, Marinier et al. disclose all the limitations in claim 11. Further, Marinier et al. disclose the method wherein the selecting of data of the specific logical channel is performed based on priorities of corresponding logical channels when a plurality of logical channels include re-transmission data in a corresponding buffer ([0009]).

Regarding claim 18, Marinier et al. disclose all the limitations in claim 11. Further, Marinier et al. disclose the method wherein the selection of the specific logical channel is performed based on priorities of each logical channel when logical channels do not include re-transmission data in a corresponding buffer ([0009]).

Regarding claim 19, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 21, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 22, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 23, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 24, Shima discloses all the limitations in claim 23. Further, Shima discloses the device wherein the data characteristic represent whether the re-transmission data exists for the selected logical channel in its corresponding buffer ([0009]).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marinier et al. (Pub. No.: 20080144571) in view of Shima (U.S. 6333789).

Regarding claim 3, Marinier et al. disclose all the limitations in claim 1. However, Marinier et al. do not disclose the method wherein the information about the amount of the re-transmission data comprises one of a True indication representing that the re-transmission data exists in the buffer corresponding to the specific logic channel and a False indication representing that the re-transmission data does not exist in the buffer corresponding to the specific logic channel.

In an analogous art, Shima discloses the method wherein the information about the amount of the re-transmission data comprises one of a True indication representing that the re-

transmission data exists in the buffer corresponding to the specific logic channel and a False indication representing that the re-transmission data does not exist in the buffer corresponding to the specific logic channel (col. 1, line 48 to col. 2, line 48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile telecommunication system of Marinier et al. by specifically including the information about the amount of the re-transmission data comprises one of a True indication representing that the re-transmission data exists in the buffer corresponding to the specific logic channel and a False indication representing that the re-transmission data does not exist in the buffer corresponding to the specific logic channel, as taught by Shima, the motivation being in order to transmit data in a timing interval.

Regarding claim 9, this claim is rejected for the same reason as in claim 3.

Regarding claim 10, Marinier et al. disclose all the limitations in claim 1. However, Marinier et al. do not disclose the method wherein selecting data is based on whether re-transmission data exist rather than by a priority of the logical channel (col. 1, line 48 to col. 2, line 48).

In an analogous art, Shima discloses the method wherein selecting data is based on whether data exist rather than by a priority of the logical channel (col. 1, line 48 to col. 2, line 48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile telecommunication system of Marinier et al. by specifically including selecting data is based on whether data exist rather than by a priority of the

logical channel, as taught by Shima, the motivation being in order to to transmit data in a timing interval.

8. Claims 5-7 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marinier et al. (Pub. No. 20080144571) in view of Charriere et al. (U.S. 6944178).

Regarding claim 5, Marinier et al. disclose all the limitations in claim 4. However, Marinier et al. do not disclose the method wherein sending the information comprises sending a MAC_STATUS_RESP Primitive (fig. 4, col. 3, line 31 to col. 5, line 62).

In the same field of endeavor, Charriere et al. disclose the method wherein sending the information comprises sending a MAC_STATUS_RESP Primitive (fig. 4, col. 3, line 31 to col. 5, line 62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile telecommunication system of Marinier et al. by specifically including disclose the method wherein sending the information comprises sending a MAC_STATUS_RESP Primitive, as taught by Charriere et al., the motivation being in order to provide a set of information channels in the RLC layer for connection to the buffer and a set of transport channels in the MAC layer for transmission of the data units.

Regarding claim 6, the combination of Marinier et al. and Charriere et al. disclose all the limitations in claim 5. Further, Charriere et al. disclose the MAC_STATUS_RESP Primitive includes information of the amount of the re-transmission data (fig. 4, col. 3, line 31 to col. 5, line 62).

Regarding claims 7, the combination of Marinier et al. and Charriere et al. disclose all the limitations in claim 5. Further, Charriere et al. disclose the MAC_STATUS_RESP Primitive includes information of the amount of the re-transmission data (fig. 4, col. 3, line 31 to col. 5, line 62).

Regarding claim 13, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 14, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 15, this claim is rejected for the same reason as set forth in claim 7.

Response to Argument

9. Applicant's arguments, filed 10/17/2008, with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jiang (Pub. No.: 20040085932) local suspend for wireless communication system

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eisen Alexander can be reached on 571-272-7687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-7503.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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/Dai A Phuong/
Examiner, Art Unit 2617
Date: 01/28/2009

/Alexander Eisen/
Supervisory Patent Examiner, Art Unit 2617